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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,988

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Robert Albertus Brondijk

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

WENDMAGEGN, GIRUMSEW

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

06/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/541,988	Applicant(s) BRONDIJK, ROBERT ALBERTUS	
	Examiner GIRUMSEW WENDMAGEGN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim1-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim12-13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims are directed to "single means" claim. A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim1-13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nozaki et al (Patent No US 6,396,998) further in view of Whisler (Patent No US 5,053,945).

Regarding claim1, 13, Nozaki et al (hereinafter Nozakia) teaches method for creating a transfer file enabling transferring of a portion of data in a data stream processed for recording on a DVD, to a device for recording data, the file comprising an information block comprising information on a data block and the data block comprising a navigation field and the navigation field comprising a Relative Logical Block Number of the navigation field (see figure13), the method comprising the steps of: receiving a data stream having been previously processed for recording on a DVD (see figure13 copy source); selecting at least one data block and an associated information block in said data stream (see figure13 copy target, figure14 D2); and creating a transfer file by appending a copy of the selected at least one data block to a copy of the information block (see figure17 step E6-16) but does not teach recalculating, in the transfer file, the Relative Logical Block Number of each navigation field in the copy of the selected at least one data block relative to a first Logical Block Number of the copy of the selected at least one data block. However Whisler teaches updating relative logical block number (see column9 line16-31).

One of ordinary skill in the art at the time the invention was made would have been motivated to recalculate (update) logical block number as in Whisler because it would make copying from DVD different format to another easier,

Regarding claim2, see the teaching of Nozaki and Whisler I above. Both do not teach first logical block number of the data file is assigned to the value 0. However, it is

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old and well known in the art to assign the value of 0 for the first logical block number.

Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to assign the first logical block number because it is widely accepted value for first logical block number.

Regarding claim3, see the teaching of Nozaki and Whisler I above. Both do not teach logical block number is stored in a data search information field and a program control information field. However it is old and well known in the art logical block number is stored in program control information and data search information field. Therefore official notice is taken.

Regarding claim4, Nozaki teaches the method as claimed in claim1, characterized in that the section of the data stream comprises a DVD title or a DVD chapter (see column4 line64-column5 line7).

Regarding claim5, Nozaki teaches the method as claimed in claim1, characterized in that the file comprises one or more VOB blocks in a DVD format (see figure13).

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Regarding claim6, Nozaki teaches method as claimed in claim1, characterized in that the information block is a VTSI block in the DVD format (see column14 line29-33, VMG).

Regarding claim7, Nozaki teaches method as claimed in claim1, as claimed in claim1, characterized in that the data block comprises one or more VOB blocks in the DVD format (see figure17 E6, read out 1 VOB data from source disc).

Regarding claim8, Nozaki teaches method as claimed in claim1, characterized in that the navigation field is a NV_PCK field in the DVD format (see figure7 NV Pack).

Regarding claim9, Nozaki teaches a method for recording a transfer file created using the method as claimed in claim1, characterized in that said method for recording comprises: appending on a destination rewriteable DVD video disc the transfer file to an end of data already recorded on the destination DVD (see column7 line40-column8 line13)); updating a VMG block to include information on the added transfer file (column13 line27-31).

Regarding claim10,11, Nozaki teaches method for recording a transfer file created using the method as claimed in claim1, characterized in that said method for recording comprises: merging, on a destination rewritable DVD disc containing the DVD+VR format, the information block contained in the transfer file with the VTSI block and the VMG block on the destination rewritable DVDI and appending the data block

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contained in the transfer file to the VOB region on the destination DVD+RW (see figure 14-17) but does not teach the Relative Logical Block Number of each navigation field in the data block is recalculated relative to a first Logical Block Number of the first data block of the VOB region. However Whisler teaches updating relative logical block number in the destination disk (see column9 line16-31).

Regarding claim12, Nozaki teaches recorder for recording a data stream using the method as claimed in claim 9 (see figure1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alr Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Girumsew Wendmagegn/
Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621

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